

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

DONNA D. SHROYER,

Plaintiff,

v.

LS2 VENTURES, LLC,

Defendant.

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CAUSE NO. 1:12-CV-304

OPINION AND ORDER

This matter is before the Court on the Third Amended Motion to Withdraw filed by counsel for Defendant LS2 Ventures, LLC. (Docket # 31.) On July 31, 2013, the Court took the motion under advisement and set it for a hearing on August 15, 2013, at 8:30 a.m.; a corporate representative for LS2 Ventures was ordered to be present in person. (Docket # 32.) Despite this order, no representative for LS2 Ventures appeared at today's August 15, 2013, hearing.

Having heard the statements of counsel and reviewed the record, the Court finds that good cause has been shown and GRANTS the Third Amended Motion to Withdraw (Docket # 31).¹ It is therefore ORDERED that Attorneys John C. Theisen, Nathaniel O. Hubley, and Marie M. Kolp, of the law firm of Theisen Bowers & Associates, LLC, are withdrawn as counsel for LS2 Ventures.

LS2 Ventures is advised that, as a limited liability company, it cannot appear *pro se*. See *United States v. Hagerman*, 545 F.3d 579, 581 (7th Cir. 2008) (holding that a limited liability company can litigate only if represented by a lawyer); *Scandia Down Corp. v. Euroquilt, Inc.*,

¹ As such, the first Motion to Withdraw (Docket # 25) is deemed MOOT.

772 F.2d 1423, 1427 (7th Cir. 1985). As such, LS2 Ventures is afforded until and including September 16, 2013, to secure successor counsel.

This matter is further set for a scheduling conference on September 18, 2013, at 10:30 a.m., to be held in the first floor courtroom of the E. Ross Adair Federal Building and Courthouse, 1300 South Harrison Street, Fort Wayne, IN 46802. Successor counsel for LS2 Ventures is ordered to be present IN PERSON at this hearing; counsel for Plaintiff will be contacted by telephone. LS2 Ventures is admonished that if its successor counsel fails to appear at the scheduling conference, sanctions may be imposed under Federal Rule of Civil Procedure 16(f)(1)(A), up to and including, possible default.

Additionally, since LS2 Ventures was ordered to have a corporate representative present in person at today's hearing and none appeared, the Court will also consider at the September 18, 2013, hearing the issue of sanctions for failing to obey the Court's order of July 31, 2013 (Docket # 32). *See* FED. R. CIV. P. 16(f)(1)(C).

The Clerk is directed to send a copy of this Order to LS2 Ventures, LLC, at its last known address, c/o Mr. Larry Shaw, LS2 Ventures, LLC, 2402 Beacon Street, Fort Wayne, IN 46805.

SO ORDERED.

Entered this 15th day of August, 2013.

/s/ Roger B. Cosbey
Roger B. Cosbey
United States Magistrate Judge